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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FISK ELECTRIC COMPANY,
Plaintiff/Counterclaim Defendant,

v.

ARCHER WESTERN CONTRACTORS, LLC,
Defendant/Counterclaim Plaintiff,

v.

SAFECO INSURANCE COMPANY OF
AMERICA,
Counterclaim Defendant.

ARCHER WESTERN CONTRACTORS, LLC,
Third-Party Plaintiff,

v.

GALLAGHER-KAISER CORP.; ARCH
INSURANCE COMPANY; THE ERECTION
COMPANY, INC.; TRAVELERS CASUALTY
AND SURETY COMPANY OF AMERICA
Third-Party Defendants.

Case No: 2:20-cv-02341-GMN-DJA

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE OF ALL
CLAIMS AGAINST THIRD-PARTY
DEFENDANTS THE ERECTION
COMPANY, INC. AND TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA, IN ITS CAPACITY AS
SURETY TO THE ERECTION
COMPANY, INC.**

GALLAGHER-KAISER CORP.,

Third-Party Defendant/United States of
America, for Use and Benefit of Gallagher-
Kaiser, Third-Party Counterclaimant,

v.

ARCHER WESTERN CONTRACTRS, LLC;
AND TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,

Third-Party Plaintiff/Third-Party
Counterclaim Defendants.

Pursuant to L.R. 7-1, Defendant/Third-Party Plaintiff Archer Western Contractors, LLC (“AWC”) and Third-Party Defendants The Erection Company (“TEC”), and Travelers Casualty & Surety Company of America (Bond No. 105707041) (“Travelers-TEC”) by and through their respective undersigned counsel, hereby file this joint stipulation and proposed order for dismissal of all AWC’s claims against TEC and Travelers-TEC, with prejudice, subject only to the limitations set forth in the Settlement Agreement.

Travelers Casualty and Surety Company of America, in its capacity as surety for Archer Western Contractors, LLC, will remain and is not dismissed as a Third-Party Defendant in this action.

STIPULATION

1. AWC, TEC, and Travelers-TEC has memorialized the terms of a settlement in a written Settlement Agreement.

2. AWC, TEC, and Travelers- TEC move to dismiss TEC and Travelers-TEC from this case and the claims and counts among AWC, TEC, and Travelers-TEC with prejudice as AWC, TEC, and Travelers-TEC have resolved all disputes among them related to the facts or circumstances pleaded by AWC, TEC, and Travelers-TEC in this action.

3. AWC, on one hand, and TEC and Travelers-TEC, on the other hand, shall each bear their own costs and attorney’s fees.

1 4. This Stipulation and Order for Dismissal with Prejudice applies entirely to Third-Party
2 Defendants TEC and Travelers-TEC.

3 5. This Stipulation and Order for Dismissal with Prejudice applies entirely to all claims
4 and counts by, between, or among AWC, TEC, and Travelers-TEC.

5 6. Travelers Casualty and Surety Company of America, in its capacity as surety for
6 Archer Western Contractors, LLC (“Travelers-AWC”), will remain and is not dismissed as a Third-
7 Party Defendant in this action.

8 7. Travelers-AWC does not release or waive any of its rights under any indemnity
9 agreement entered into as consideration for executing bonds.

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In light of the foregoing, it is hereby stipulated and agreed that all of AWC's claims asserted against TEC and Travelers-TEC are hereby dismissed with prejudice, subject only to the limitations set forth in the Settlement Agreement, with each side to bear its own costs and fees.

Respectfully submitted,

DATED this 24th day of February, 2022.

KEMP JONES, LLP

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DATED this 24th day of February, 2022.

LAW OFFICES OF HAYES & WELSH


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IT IS SO ORDERED.

Dated this 28 day of February, 2022.



Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT